

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NATHANIEL CLARK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action
)	No. 1:22-cv-_____
)	
CITY OF FOREST PARK, GA and)	
LATRESA AKINS-WELLS, in her)	
individual capacity,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW the City of Forest Park, Georgia (the “City”) and Latresa Akins-Wells, in her individual capacity (“Ms. Wells”), the defendants herein, and, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby remove the above-styled civil action from the Superior Court of Clayton County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division, based on the following grounds:

1.

Plaintiff Nathaniel Clark is a U.S. citizen and a resident of Henry County, Georgia. Plaintiff thus is a citizen of Georgia for purposes of federal court jurisdiction.

2.

Plaintiff filed this action on November 1, 2021 in the Superior Court of Clayton County, where it was assigned civil action number 2021CV03928. Plaintiff filed his first amended complaint on February 7, 2022. Neither plaintiff's initial complaint nor his first amended complaint contained any federal causes of action.

3.

On June 15, 2022, plaintiff filed his second amended complaint, asserting for the first time a federal cause of action. A copy of the second amended complaint is attached as Exhibit A, and all process, other pleadings, and orders served upon defendants are attached as Exhibit B.

4.

This notice of removal thus is timely filed within 30 days of defendants' receipt of plaintiff's second amended complaint. *See* 28 U.S.C. § 1446(b)(1)-(3).

5.

In Count II of his second amended complaint, plaintiff asserts a federal cause of action for retaliation pursuant to Title VII of the Civil Rights of 1964, 42 U.S.C. § 2000e *et seq.* (Second Am. Compl., ¶¶ 106-117.) This action thus is a civil action over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331 because it is an action “arising under the Constitution, laws, or treaties

of the United States.” 28 U.S.C. § 1331.

6.

This civil action thus is removable pursuant to 28 U.S.C. § 1441 because the United States District Court has original jurisdiction over this case by reason of federal-question jurisdiction pursuant to 28 U.S.C. § 1331. This Court further has supplemental jurisdiction over plaintiff’s state law claims arising under the Georgia Whistleblower Act, O.C.G.A. § 45-1-4(d) (Count I), intentional infliction of emotional distress pursuant to Georgia common law (Count III), and slander per se pursuant to O.C.G.A. § 51-5-4 (Count IV) because they arise out of the same facts as plaintiff’s federal claim and form part of the same case or controversy. *See* 28 U.S.C. § 1367(a).

7.

Pursuant to 28 U.S.C. § 90(a)(2), the United States District Court for the Northern District of Georgia, Atlanta Division, is the district court having jurisdiction over Clayton County, Georgia, where the superior court action was pending. Pursuant to 28 U.S.C. §§ 1441, 1446(a), defendants thus are entitled to remove this action from the Superior Court of Clayton County to this Court.

8.

Contemporaneously with the filing of this notice of removal with this Court,

defendants are filing a copy of this notice of removal with the clerk of the Superior Court of Clayton County, with service on plaintiff's counsel, as required by 28 U.S.C. § 1446(d).

9.

All defendants consent to the removal of this action.

10.

WHEREFORE, this Court now has jurisdiction over this action.

Respectfully submitted,

**FREEMAN MATHIS & GARY,
LLP**

**CRUSER, MITCHELL, NOVITZ,
SANCHEZ, GASTON & ZIMET,
LLP**

/s/ Michael M. Hill

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*Counsel for Defendant
Latresa Akins-Wells*

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the within and foregoing **NOTICE OF REMOVAL** has been prepared in compliance with Local Rule 5.1(B) in 14-point Times New Roman type face.

This 13th day of July, 2022.

/s/ Michael M. Hill

Michael M. Hill

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Counsel for Defendant

City of College Park, Georgia

CERTIFICATE OF SERVICE

I certify that on this day I served a copy of the within and foregoing **NOTICE OF REMOVAL** by depositing a true and correct copy thereof in the United States mail, postage prepared, properly addressed upon:

Jackie Lee
LEE LAW FIRM, LLC
1100 Peachtree St., NE, Ste. 250
Atlanta, GA 30309
jackie@leelawga.com

This 13th day of July, 2022.

/s/ Michael M. Hill

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